

REMARKS

Claim 1 has been amended in a way which is thought to emphasize the structural differences between the applicants' kit and the reference kits. The amendments take into account the Examiner's comments in the Advisory Action, Paper No. 14. In the Advisory Action, the Examiner indicated that the applicants' claims differed more in the sense of method than structure. While the applicants do not agree with the Examiner's position, it is believed that the amendments to claim 1 serve to highlight actual structural differences between the applicants' kit and the reference kits. Thus, claim 1, as amended, emphasizes the arrangement of the various parts to insure that reading is not initiated until the assay device is properly positioned in the receiving means. The manner in which the interlock feature and means for activating the switch actuating means are associated to provide the advantages of the applicants' invention is detailed in Claim 1 and the recited detail should patentably distinguish the claims from the Examiner's references. There is, in particular, no disclosure or suggestion in the references of the applicants' specific structural arrangement to accomplish the indicated results, i.e. to avoid a premature or incorrect reading of the results by triggering the reading means before the assay device is correctly positioned in the receiving means. Accordingly, favorable reconsideration of the rejections of record is requested, the applicants' claims defining subject matter which, as indicated, is both novel over, and unobvious from, the Examiner's references.


The Examiner is requested to contact the undersigned in the event any issue remains unresolved.

CATT ET AL
Serial No. 08/935,717

Favorable action is requested.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By 
Paul N. Kokulis
Reg. No. 16773

PNK:mh
1600 Tysons Boulevard
McLean, Virginia 22102
Phone: (703) 905-2118

APPENDIX

Version with Markings to Show Changes Made

IN THE CLAIMS

Claim 1 has been amended as follows:

1. (Amended) A test kit for determining qualitatively or quantitatively the presence of one or more analytes in a fluid sample, comprising an assay device for sampling and assaying said fluid together with a reading device which includes reading initiation means and which engages with said assay device and wherein precisely located engagement of said assay device with said reading device is essential for accurate reading of the assay result, the precisely located engagement of said assay device with said reading device causing a lock-and-key interaction between said assay device and reading initiation means of said reading device, said lock and key interaction occurring only when said assay device is properly positioned within said reading device, said assay device consisting essentially of a porous carrier strip within a hollow casing and wherein the assay result is revealed by specific binding of a labelled reagent within a detection zone of said carrier strip, the presence of the labelled reagent within said detection zone being discernable by said reading device, said reading device including receiving means for receiving said assay device, and said reading initiation means comprising a switch actuating means which is displaceable to initiate reading only upon correct receipt of said assay device within said receiving means, the [correct receipt of said assay device causing a contact portion of said casing to] casing of said assay device including a contact portion to contact and displace said displaceable switch actuating means so as to

activate said reading means only when said assay device is correctly positioned within said receiving means, [the] said contact portion and the displaceable switch actuating means being cooperatively engageable via [a] said lock-and-key [engagement] interaction such that only upon correct receipt of said assay device is said switch actuating means displaced by said contact portion to initiate reading, said switch actuating means comprising at least one fixed projecting portion and at least one displaceable projecting portion in said receiving means, and said assay device casing comprising a [recessed] recess in said contact portion to accommodate said fixed projecting portion of said switch actuating means but not the displaceable projecting portion thereof, said contact portion also comprising an interface portion that contacts and displaces said displaceable portion of the switch actuating means only when said fixed projecting portion is accommodated within said recessed contact portion, said contact and displacement resulting in said lock and key interaction to initiate reading said assay device, wherein said reading is enabled only by such contact and displacement action.